

ROBINS, KAPLAN, MILLER & CIRESI LLP

2800 LaSALLE PLAZA  
800 LaSALLE AVENUE  
MINNEAPOLIS, MN 55402-2015  
TEL: 612-349-8500 FAX: 612-339-4181  
www.rkmc.com

ATTORNEYS AT LAW

K. CRAIG WILDFANG  
612-349-8554

November 23, 2009

VIA ECF

The Honorable Magistrate Judge James Orenstein  
225 Cadman Plaza East  
Room 456 North  
Brooklyn, NY 11201

Re: In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation,  
Case No. 1:05-MD-1720-(JG)(JO)  
Our File No.: 123630.0000

Dear Magistrate Judge Orenstein:

Following up on Your Honor's suggestion at the close of the hearing last Thursday regarding a discretionary evidentiary hearing on issues related to class certification, and in response to the Court's minute order of today, Class Plaintiffs' today are sending a letter to Defendants inviting prompt discussions about this issue. We are sure that it will come as no surprise to the Court that among the Class' primary concerns with respect to such a hearing are that it will not meaningfully add to the massive evidentiary record already before the Court, and has the potential for further delay in resolving our motion for class certification. For that reason, we would like to expedite the discussions with the Defendants and the Court. To that end, the Class would like to raise the possibility of scheduling a conference with the Court on Thursday or Friday, December 10 or 11. I have already raised this possibility with Mr. Vizas and will have further discussions with him today. Many counsel for many of the parties had already arranged to be in New York City on those days for other reasons, so it would be relatively easy for the parties to attend such a conference, if the Court has any time available on those days. We recognize that this may not be possible, in which case we think a status conference should be scheduled as soon as practicable thereafter. We will keep the Court advised as to our discussions with the Defendants on this issue.

Sincerely,

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

K. Craig Wildfang

KCW/sml